



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1996

Mr. Charles E. Griffith, III
Deputy City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR96-1492

Dear Mr. Griffith:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 26690.

The City of Austin (the "city") has received a request for complaints filed against a particular officer, as well as his employments records. You claim that this information is excepted from required public disclosure under sections 552.101, 552.103, 552.108, 552.111, and 552.117 of the act.

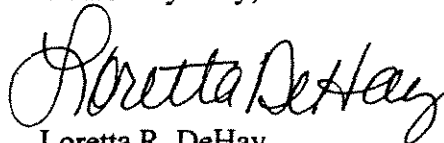
To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). You state that the officer whose records are the subject of the request is a witness in a criminal case pending in county court and in a matter currently being investigated by the Travis County District Attorney's Office. We conclude that the city has demonstrated that litigation is pending and that the information relates to that litigation. Accordingly, the city may withhold the requested information under section 552.103.

In reaching this conclusion, however, we assume that the opposing party to the litigation has not previously had access to the records at issue. Absent special circumstances, once information has been obtained by all parties to the litigation no section 552.103(a) interest exists with respect to that information. Open Records Decision Nos. 349 (1982), 320 (1982). Finally, the applicability of section 552.103(a) ends once the litigation has concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).¹

¹Because we conclude that section 552.103 resolves this request, we need not now consider other exceptions to required public disclosure. We note, however, that the records submitted for our review

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 26690

Enclosures: Submitted documents

cc: K.C. Anderson
Anderson & Ancira, P.C.
812 San Antonio Street, Suite 302
Austin, Texas 78701
(w/o enclosures)

(Footnote continued)

contain information that may be excepted from disclosure under section 552.101 of the Government Code. If the city receives requests for these records when section 552.103(a) is no longer applicable, we urge you to exercise caution before releasing the information. See Gov't Code § 552.352 (providing penalties for improper release of confidential information).